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DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ricardo Ivan PALOS-Marquez,

Defendant(s)

Magistrate Case No. '08 MJ 0385

COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal Aliens

The undersigned complainant, being duly sworn, states:

On or about **February 7, 2008,** within the Southern District of California, defendant **Ricardo Ivan PALOS-Marquez** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Apolinar SANTOS-De Asis, Perfecto TOTO-Cruz, Vicente ALVARDO-Victoria** and **Francisco DIEGO-Benabe** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James E. Bailey
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **11th** DAY OF **FEBRUARY, 2008**

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Ricardo Ivan PALOS-Marquez

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Apolinar SANTOS-De Asis, Perfecto TOTO-Cruz, Vicente ALVARADO-Victoria and Francisco DIEGO-Benabe** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 07, 2008, at approximately 5:00 p.m., Border Patrol Agent R. Padron was conducting line watch operations in the vicinity of Jamul, California. This area is located approximately ten miles east of the Otay Mesa, California Port of Entry, and approximately five miles north of the International Boundary between Mexico and the United States. Border Patrol Agent M. Staunton was also assigned line watch duties in the general area.

As Agent Staunton was driving eastbound on Otay Lakes Road he came upon a blind curve approximately two hundred fifty yards east of the area known as the "Riding-Hiking Gate". As soon as Agent Staunton was able to see the oncoming traffic, he came upon a green Dodge Ram pick-up truck driving westbound in the eastbound lane passing a UPS truck. Agent Staunton had to quickly brake and veer to the right in order to avoid a head-on collision with the green Dodge Ram. A few seconds later, the driver of the UPS truck was gesturing towards the green Dodge Ram as he passed Agent Staunton's position. Agent Staunton then notified Agent Simon and Agent Martinez via service radio that he suspected the Dodge Ram was involved in illegal activity. They advised Agent Staunton that the driver of the UPS truck had stopped and advised them that he witnessed the green Dodge Ram pick up four illegal aliens from the side of the road. Agent Staunton then advised other Agents, via service radio, of the description and direction of travel of the Dodge Ram pick up. Border Intelligence Center Agents advised they were at Lane and Otay Lakes Road and had visual contact with the Dodge Ram pick-up. Agent Padron responded and minutes later noticed a vehicle driving westbound at the four mile marker on Otay Lakes Road that matched the vehicle description put out by Agent Staunton. Agent Padron followed the vehicle and activated his emergency overheads and shortly thereafter the driver yielded at the State Route 125 north onramp off of Otay Lakes Road. Agent Padron walked up to the driver and identified himself as a United States Border Patrol Agent and performed an immigration inspection on the driver.

The driver, later identified as the defendant **Ricardo Ivan PALOS-Marquez**, stated that he is a legal permanent resident. Agent Padron then noticed four individuals lying down in the back seat. Agent Padron immediately told the defendant to exit the vehicle and handcuffed the defendant. Agent Padron then identified himself as a United States Border Patrol Agent to the four individuals in the back seat and questioned them as to their immigration status. All four individuals admitted to being nationals and citizens of Mexico illegally present in the United States without any immigration documents. All four individuals along with the defendant were arrested at 5:20 p.m. and transported to the Brown Field Border Patrol Station for processing.

CONTINUATION OF COMPLAINT:
Ricardo Ivan PALOS-Marquez

DEFENDANT STATEMENT:

The defendant was advised of his Miranda Rights, which he stated he understood and was willing to answer questions without having a lawyer present. The defendant **Ricardo Ivan PALOS-Marquez** stated that he had a Lawfully Admitted for Permanent Resident Card that he acquired through his parents ten years ago but lost it. The defendant stated that he made arrangements to transport illegal aliens with a person which he met five years ago. The defendant stated that he made the arrangements in City Heights at an Exxon gas station and didn't know the name of the person with whom he made the arrangements with. The defendant stated that he was going to be paid about $50.00 USD per person. He stated that he had previously smuggled six times before and had been arrested three times. He stated that each smuggling event was coordinated with different individuals. The defendant stated that he knew the people he picked up on the road were illegally in the country and agreed to transport them further north for payment.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Apolinar SANTOS-De Asis, Perfccto TOTO-Cruz**, **Vicente-ALVARADO-Victoria** and **Francisco DIEGO-Benabe** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. The material witnesses stated that they were to pay a fee between 1,500 and 1,800 to be smuggled into the United States. Material witnesses **Apolinar SANTOS-de Asis, Perfecto TOTO-Cruz, Vicente-ALVARADO-Victoria and Francisco Diego-Benabe** were shown a photographic line up and were able to identify the defendant **Ricardo Ivan PALOS-Marquez** as the driver of the vehicle.

Executed on February 9, 2008 at 10:00 a.m.

Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **February 7, 2008** in violation of Title **8**, United States Code, Section **1324**.

Anthony J. Battaglia
United States Magistrate Judge

2/9/08 10:30 pm
Date/Time